

FILED

MAR 11 2013

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF

DEBRA JEAN FEDORCHAK, APN, RN
APN License # 26NC09999600
RN License # 26NR09999600

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is an Advanced Practice Nurse and a Registered Professional Nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about August 21, 2012, a Demand for Statement in Writing Under Oath was sent to Respondent on behalf of the Board at her address of record by certified and regular mail, making inquiries as to her nursing practice and with regard to allegations that she had been arrested for DUI in 2007, 2010 and 2011.
3. The Board received a signed receipt confirming delivery of the certified mailing. The regular mailing was not returned. No response was received.

CONCLUSIONS OF LAW

Respondent's failure to respond to an inquiry on behalf of the Board constitutes a failure to cooperate with a Board investigation within the intendment of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license and imposing a two hundred dollar (\$200) civil penalty was entered on October 18, 2012. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent responded to the Provisional Order of Discipline by providing the information originally requested in the Demand for Statement in Writing Under Oath which had been mailed on August 21, 2012. Respondent maintained that a fall four months prior, in April 2012, and associated health complications, overwhelmed her and she failed to answer the Board's inquiry. Although Respondent provided a list of multiple doctors' appointments after her fall, most of them occurred closer to the time of the fall and only one appointment was within the three week time frame during which Respondent was to respond to the Board's Demand for Statement in Writing Under Oath.

The Board reviewed Respondent's submissions and determined that further

proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a two hundred dollar (\$200) civil penalty.


ACCORDINGLY, IT IS on this 11 day of Mar, 2013

ORDERED that:

1. A two hundred dollar (\$200) civil penalty is hereby imposed for Respondent's violation of the Uniform Licensee Duty to Cooperate regulation. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Ann Murphy, PhD, APN
Board President